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Oct. '18

MEMORANDUM FOR U. S. GAME WARDENS.

INSTRUCTIONS IN REGARD TO THE SEIZURE OF CONTRA-
BAND BIRDS AND THEIR PRESERVATION FOR USE AS EVI-
DENCE.

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Section 5 of the Migratory Bird Treaty Act provides in part as follows:

"All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this Act or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal or deputy marshal, and upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this Act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction."

Wardens are cautioned **against** making seizures unless the evidence at hand is sufficient to prove beyond a reasonable doubt that the accused is in unlawful possession of the things seized.

Birds, parts thereof, and their nests and eggs so seized should be preserved as evidence. General instructions have heretofore been issued in regard to ~~marking~~ exhibits for identification. Any considerable number of birds seized from an offender should be suitably marked for identification and, if possible, placed in cold storage to be thereafter used as evidence and disposed of as directed by the court.

An occasion may arise when it will be impossible to preserve birds by placing them in cold storage. In such cases wardens should endeavor to obtain the written consent of the offender to dispose of the birds by gift to hospitals, charitable institutions, or persons for use as food and a duplicate receipt embodying the agreement and specifying the number and species of birds should be executed by the warden and the violator, each of whom should retain a copy.

In case the violator refuses to enter into such an agreement and it is impossible to preserve the birds for use as evidence, wardens should retain the heads, wings, and feet of the birds for use as evidence and dispose of the carcasses by gift to hospitals, charitable institutions and others for use as food.

In cases involving seizure of a small number of birds, especially the smaller species, they may be preserved by cutting open the abdomen and placing them in an ordinary fruit jar filled with a 10% solution of formalin. After remaining in the jar about a week the birds can be taken out and the carcasses dried after which they will practically mummify and keep indefinitely. Birds thus preserved should be properly tagged for identification before being placed in the preservative. Eternal or waterproof ink should be used in marking the tags.

In cases involving the killing of migratory game birds in excess of the daily bag limit, or shipment in excess of the number authorized by the Federal regulations, all the birds so killed or shipped should be seized.

Very truly yours,

A handwritten signature in purple ink, appearing to read "Geo. Langer". The signature is written in a cursive style with a long, sweeping underline.

Chief U. S. Game Warden.

